

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5507 of 2018

Shobha Singh S/o Rameshwar Singh, Aged About 42 Years, R/o Caste Chhatriya, R/o Jawahar Nagar, Ward Methguda Para, Jagdalpur, District- Bastar, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
2. Principal Chief Conservator Of Forest Indrawati Bhawan, New Raipur, District- Raipur, Chhattisgarh.
3. Chief Conservator Of Forest, Forest Circle Jagdalpur, District- Bastar, Chhattisgarh.
4. Divisional Forest Officer, Forest Division Jagdalpur, District- Bastar, Chhattisgarh.

---Respondents

For petitioner	:	Shri Subhash Yadav, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/08/2018

1. The prayer made by the petitioner in the present Writ Petition is for issuance of direction to the respondents to consider his case for regularization on the post of driver of Light Motor Vehicle.
2. The contention of the counsel for the petitioner is that, the petitioner has been working with the respondents as a Daily Wage Worker since 1987 onwards. That since the time of his engagement, the respondents have been taking the work of a driver from the petitioner.

3. The authorities in the department also recommended the case of the petitioner for regularization on the post of driver.
4. However, since there was no vacancy for driver of Light Motor Vehicle at the relevant point of time and there being vacancy on the post of Peon, the petitioner was regularized in service as Peon on which post he is still working though he is discharging duties of driver.
5. The counsel for the petitioner submits that, as on date, there is vacancy available on the post of driver of Light Motor Vehicle, the authorities can still consider regularizing the services of the petitioner as Light Motor Vehicle driver. He further submits that, he has been repeatedly making request to the authorities concerned for appropriate direction in this regard and prayed for disposal of the petition with a direction to the respondents for taking a decision in this regard.
6. The State counsel does not have any objection so far as his representation or claim been decided by the higher authorities in the department in the present prevailing situation in accordance with the rules.
7. He further submits that, so far as regularization of the petitioner which has been done in the year 2008 is concerned, the same was in accordance with the vacancies available at that point of time and the petitioner at that point of time did not raise any objection on that.
8. Given the aforesaid facts and circumstances of the case, since the petitioner as per his contention is discharging duties of a Light Motor Vehicle driver continuously and uninterruptedly for a considerable period of time and

that there is also vacancy available as on date on the post of Light Motor Vehicle driver, let the respondent No.2 take a decision so far as the claim of the petitioner claiming regularization on the post of Light Motor Vehicle driver at the earliest.

9. It shall be the responsibility of the petitioner to apprise the respondent No.2 of the order passed by this Court.

10. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit